

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL SNELLING,)	
)	CIVIL ACTION FILE NO.
Plaintiff,)	1:16-CV-00130-CC-AJB
)	
v.)	
)	
OFFICER STROY,)	
)	
Defendant.)	
)	
)	
)	

DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

COMES NOW, Defendant Officer Robert Stroy, in his individual capacity, hereinafter referred to as ("Defendant"), by and through his undersigned counsel, and hereby files this Answer to Plaintiff's Amended Complaint.

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are barred to the extent that Defendant is entitled to qualified immunity.

THIRD DEFENSE

Defendant has not committed any act or omission which would make him liable in any way to Plaintiff for any cause of action for damages.

FOURTH DEFENSE

Defendant has not subjected Plaintiff to the deprivation of any rights, due process or otherwise, privileges or immunities secured by the Constitution or laws of the State of Georgia or the United State of America.

FIFTH DEFENSE

Defendant has not breached any official duty, any court duty, any court order compelling Defendant to act, or any duty created under the Constitution of the United States compelling Defendant to act with regard to the event(s) allegedly giving rise to Plaintiff's claims.

SIXTH DEFENSE

Defendant did not breach any duty owed to Plaintiff with regard to the event(s) allegedly giving rise to Plaintiff's claims.

SEVENTH DEFENSE

To the extent as may be shown by the evidence, Defendant herein asserts all defenses available under Fed. R. Civ. P. 12.

EIGHTH DEFENSE

Plaintiff is not entitled to attorney's fees under Section 1988.

Defendant responds to the enumerated allegations of the Complaint as follows:

I. PREVIOUS LAWSUITS

A.

Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations as set forth in Paragraph I(A) of Plaintiff's Complaint; to the extent an answer is required they are denied.

B.

Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations as set forth in Paragraph I(B) of Plaintiff's Complaint; to the extent an answer is required they are denied.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

A.

Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations as set forth in Paragraph II(A) of Plaintiff's Complaint; to the extent an answer is required they are denied.

B.

Admitted.

C.

Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations as set forth in Paragraph II(C) of Plaintiff's Complaint; to the extent an answer is required they are denied.

D.

Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations as set forth in Paragraph II(D) of Plaintiff's Complaint; to the extent an answer is required they are denied.

III. PARTIES

A.

Admitted.

B.

Denied.

IV. STATEMENT OF CLAIM

Defendant admits only that he removed the handcuffs from inmate Nyron Thomas so that Nyron Thomas could enter his cell on

or around December 22, 2015. All other allegations in this paragraph IV are denied.

V. RELIEF

Denied.

GENERAL DENIAL

Defendant denies each and every allegation of Plaintiff's Amended Complaint not specifically admitted, denied, or otherwise contradicted herein.

WHEREFORE, Defendant prays that:

- A. Plaintiff's Complaint be dismissed in its entirety;
- B. All costs of this litigation be paid by Plaintiff;
- C. The Court impanel a jury of twelve should this case be tried; and
- D. Any other relief that this court deems just and proper be granted.

Respectfully submitted, this 22nd day of November, 2016

OFFICE OF THE COUNTY ATTORNEY

Patrise Perkins-Hooker
COUNTY ATTORNEY
Georgia Bar No.: 572358

/s/ Jenise S. Smith
Jenise S. Smith

Staff Attorney
Georgia State Bar No.: 163920

OFFICE OF THE FULTON COUNTY ATTORNEY

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CERTIFICATE OF SERVICE

THIS CERTIFIES that on November 22, 2016, I have presented this document in Courier New, 12 point type, and that I have electronically filed the foregoing **DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT FOR DAMAGES** with the Clerk of Court using the CM/ECF system, and will provide mail notification to the *pro se* inmate plaintiff listed below:

Michael Snelling, Jr.
GDC #1000143
Jackson State Prison
P.O. Box 3877
Jackson, GA 30233

This 22nd day of November, 2016.

/s/ Jenise S. Smith
Jenise S. Smith
Staff Attorney

Georgia State Bar No.: 163920

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